IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1051 OF 2006

Shri David Mozes Navgaonkar ...Appellant

v/s

Shri Tukaram Kamal Patil and ors. ...Respondents

Mr C.G. Gavnekar for Appellant.

None for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 13TH JULY 2007.

P.C. :-

1. The only question raised before me was that the counter claim of the defendant for possession of the property has been allowed by both the Courts below, but both the Courts have not considered whether the counter claim was barred by the law of limitation. Perusal of the record shows that the said question was never raised before both the Courts below. It is unfair to entertain the question of limitation for the first time in second appeal. No substantial question of law arises. Appeal is rejected. Civil application No.1758 of 2006 is disposd off.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Private Secretary as true copy.

. Certified copy expedited.